

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NICHOLAS VONTZ,

Plaintiff,

vs.

JOSHUA HOTALING,

Defendant.

2:19-CV-12735-TGB-KGA

**ORDER ADOPTING REPORT
AND RECOMMENDATION
(ECF NO. 123)**

This matter is before the Court on Magistrate Judge Kimberly G. Altman’s March 6, 2023 Report and Recommendation (“R&R”) recommending that Defendant Joshua Hotaling’s motion for summary judgment be granted and pro se Plaintiff Nicholas Vontz’s remaining claims be dismissed with prejudice. ECF No. 123. Defendant Hotaling is the last remaining Defendant in this case, and Magistrate Judge Altman concluded that Plaintiff’s claims against Hotaling fail as a matter of law.

The law provides that either party may serve and file written objections “[w]ithin fourteen days after being served with a copy” of the report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a “de novo determination of those portions of the report . . . to which objection is made.” *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Here, the R&R was served by mail over four weeks ago. Being mindful of the delays in receiving and responding to mail that are outside of an incarcerated plaintiff's control, the Court has allotted Plaintiff significant additional time to raise objections. But even with this additional time, Plaintiff has failed to raise any objections.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Altman's Report and Recommendation (ECF No. 123) is **ACCEPTED** and **ADOPTED**. Plaintiff's remaining claims are **DISMISSED with prejudice**.

IT IS SO ORDERED.

Dated: April 10, 2023

s/Terrence G. Berg

TERRENCE G. BERG

UNITED STATES DISTRICT JUDGE